

WIN-WIN OR NO DEAL

COLLABORATIVE NEGOTIATION STRATEGIES

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Learn how to build an effective working relationship with the other agent in your transaction, put together a deal that “sticks”, leave the client and other agent with a positive experience so they want

to work with you in the future, and achieve a Win-Win outcome through application of communication strategies and principled negotiation.

AFTER THIS SESSION, YOU WILL BE ABLE TO:

- ☐ Differentiate between tangible and intangible benefits in a negotiation in order to add value without giving up what is most important to you and your client.
- ☐ Adopt the four principles of collaborative negotiation that increase the likelihood of reaching a win-win deal.
- ☐ Use language that promotes collaboration with the other negotiator.

TOPICS COVERED IN THE SESSION:

- Going Beyond Price
- Tangibles vs. Intangibles
- Getting a Win without Losing the Relationship
- Possible Negotiation Outcomes
- Deals that Stick
- Positional Bargaining
- Principled Negotiation Method
- Language of Win-Win
- Action Plan



NEGOTIATING *INTANGIBLES*

- Tangible interests can be quantified.
- Intangible interests cannot be quantified or measured directly in monetary terms.

TANGIBLE

- MONEY
- DATES
- TERMS
-
-
-

INTANGIBLE

- RELATIONSHIPS
- FEELINGS
- FAIRNESS
-
-
-

WHAT ARE THE “INTANGIBLES” WORTH?

NEGOTIATING

WIN-WIN AGREEMENTS

POSSIBLE NEGOTIATION OUTCOMES

Win-Lose, Lose-Win, Lose-Lose, Win-Win, No Deal.

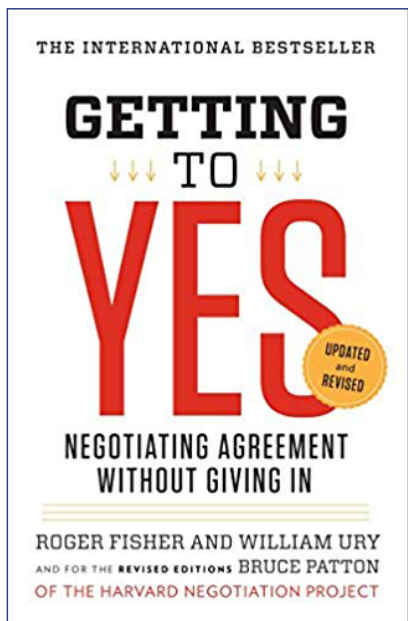
POSITIONAL BARGAINING

Each side takes a position, argues for it, and makes concessions to reach a compromise. This often results in lose-win, win-lose, or lose-lose (e.g., splitting the difference). Default move for most amateurs.

PRINCIPLED NEGOTIATION

Alternative method to positional bargaining designed to produce “wise outcomes efficiently and amicably.”

A “Wise Agreement” meets the legitimate interests of each side to the extent possible, resolves conflicting interests fairly, is durable, and takes community interests into account.



THE METHOD:

- Separate the people from the problem
- Focus on interests, not positions
- Invent options for mutual gain
- Insist on using objective criteria

KNOW YOUR BATNA

(Best Alternative To Negotiated Agreement)

POSITIONAL BARGAINING

VS. PRINCIPLED NEGOTIATION

SOFT POSITIONAL BARGAINING

Participants are friends

Goal is agreement

Make concessions to cultivate the relationship

Soft on the people, soft on the problem

Trust others

Change your position easily

Make offers

Disclose your bottom line

Accept one-sided losses to reach agreement

Search for the single answer: the one answer they will accept

Insist on agreement

Try to avoid a contest of will

Yield to pressure

HARD POSITIONAL BARGAINING

Participants are adversaries

Goal is victory

Demand concessions as a condition of the relationship

Hard on the people, hard on the problem

Distrust others

Dig in to your position

Make threats

Mislead about your bottom line

Demand one-sided gains as the price of agreement

Search for the single answer: the one answer you will accept

Insist on your position

Try to win a contest of will

Apply pressure

PRINCIPLED NEGOTIATION

Participants are problem-solvers

Goal is a wise outcome, reached efficiently and in a friendly, cooperative manner

Separate the people from the problem

Soft on the people, hard on the problem

Proceed independent of trust

Focus on interests, not positions

Explore interests

Avoid having a bottom line

Create/invent options for mutual gain

Develop multiple options to choose from; decide later

Insist on using objective criteria

Try to reach a result based on standards, independent of will

Yield to principle, not to pressure. Reason, and be open to reason

PRINCIPLED

NEGOTIATION METHODS

1 | SEPARATE THE PEOPLE FROM THE PROBLEM

- Negotiators are people first
- Every negotiator has an interest in the result, and in the relationship
- Separate the relationship from the substance; deal directly with the people problem (perception, emotion, and communication).

2 | FOCUS ON INTERESTS, NOT POSITIONS

- Interests define the problem.
- Each side has multiple interests. Discover underlying interests by asking directly. Ask yourself “Why?” “Why not?”
- The most powerful interests are basic human needs.

3 | INVENT OPTIONS FOR MUTUAL GAIN

Major obstacles that inhibit the inventing of an abundance of options:

- Premature Judgment
- Searching for a single answer
- Assumption of a fixed pie
- Thinking that "solving their problem is their problem"

4 | INSIST ON USING OBJECTIVE CRITERIA

- Frame each issue as a search for objective criteria: “Let’s figure out what a fair price would be” “How did you arrive at that figure?”
- Reason and be open to reason

WIN-WIN *LANGUAGE*

- WHAT'S MOST IMPORTANT TO YOUR CLIENT?
- WHAT IF...?
- HOW ARE YOU?
- LET ME SEE WHAT I CAN DO.
- HELP ME UNDERSTAND...
- GIVE ME SOMETHING I CAN WORK WITH SO I CAN GO TO BAT FOR YOU.
- HOW CAN I HELP YOU?
- WHAT IS YOUR BIGGEST CONCERN?
- WHAT IS YOUR CLIENT'S BIGGEST CONCERN?
- TELL ME MORE ABOUT...
- CAN I GIVE YOU A CALL?
- I'M LOOKING FORWARD TO WORKING WITH YOU.
- IF MY CLIENT WOULD _____,
WOULD YOUR CLIENT _____?

ACTION PLAN

☐ LIST ONE WAY TO SHOWCASE NEGOTIATING SKILLS IN CONSULTATIONS

☐ LIST TWO WIN-WIN COLLABORATION STRATEGIES TO IMPLEMENT

☐ LIST THREE WIN-WIN PHRASES TO ADOPT THAT PROMOTE COLLABORATION

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